

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 08-3850

Gladys Mensing

Appellant

v.

Wyeth, Inc., et al.

Appellees

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Appeal from U.S. District Court for the District of Minnesota - Minneapolis  
(0:07-cv-03919-DWF)

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**ORDER**

The Supreme Court having reversed the judgment of this court and remanded this action for further proceedings in light of its opinion in PLIVA, Inc. v. Mensing, 131 S. Ct. 2567 (2011), we now vacate Sections I, II, and IV of our opinion in Mensing v. Wyeth, Inc., 588 F.3d 603 (8th Cir. 2009), reinstate Section III of that opinion, and deny Mensing's motion for leave to file a supplemental brief

September 29, 2011

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans